

**REMARKS/ARGUMENTS**

Applicants have reviewed the detailed Office Action mailed 07/07/2002 and thank Examiner Joyce for the indication of allowable subject matter. Claims 1-9, 13 and 14 were rejected. Claims 11 and 12 were withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a non-elected species. Claim 10 was indicated as being allowable if rewritten in independent form. In this paper, no claims have been amended or cancelled. New claim 15 has been added; however, no new matter has been added. Thus, claims 1-10 and 13-15 will be pending upon entry of this amendment. Applicants request reconsideration of the pending claims in view of the following remarks.

**Drawings**

The drawings were objected to under 37 CFR 1.83(a) because the Examiner indicated that the drawings must show every feature of the invention specified in the claims. The Examiner indicated that "the 'trunnions are supported by ball bearings' (claim 7) and 'said bearings are supported for movement in spherical surfaces of bearing races fixed to said housing' (claim 7) must be shown or the feature(s) canceled from the claim(s)." Applicants respectfully traverse the objection. More particularly, ball bearings 34 and 36, spherical race surfaces 42 and bearing races 38 and 40 are all shown in FIGS. 1 and 2, for example. For at least this reason, Applicants respectfully request that the drawing objection be withdrawn.

**Claim Rejections – 35 USC §103**

A. Claims 1-4 and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Stanley (U.S. Patent No. 875,962). For at least the following reasons, Applicants respectfully traverse the rejection.

Regarding claims 1-4 and 13 as filed, Stanley fails to teach or suggest each of the limitations recited in the claim. More particularly, Stanley fails to teach or suggest a pair of spaced apart countershafts that are axially translatable within a housing. In contrast, Stanley discloses transmitting members (10, 11 and 12) that are moved by a swinging member (15) into engagement with different portions of the cone shaped members (7 and 8). However, the

swinging member (15) is attached to the fixed portion of a frame (16). *See*, lines 61-63. Therefore, transmitting members are not axially translatable as claimed by the Applicant. For at least this reason, the Examiner has failed to set forth a prime facie case of obviousness under §103, and the rejection should be withdrawn.

B. Claims 1-9 and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kohn (U.S. Patent No. 1,459,979). Regarding claims 1-9 and 13 as filed, the Examiner acknowledges that Kohn does not disclose a pair of wheels having different diameters, but shows wheels having the same diameter. The Examiner contends, however, that it would have been an obvious matter of design choice to vary the size of the wheels, since such a modification would involve a mere change in the size of a component. For at least the following reasons, Applicants respectfully disagree.

The M.P.E.P. states that if a modification of a prior art reference would render the prior art invention unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. M.P.E.P. § 2143.01. Contrary to the Examiner's contention, modifying the roller spindle (51) in Kohn to include rollers (53) of different sizes would have rendered the Kohn transmission unsatisfactory for its intended purpose. More particularly, providing rollers (53) of different sizes on the spindle (51) would affect the angle of rotation of spindle (51). In the Kohn transmission illustrated in FIG. 5, the angle of rotation of spindle (51) is relatively small due to the uniform diameter of rollers (53). However, changing the diameter of one or both of rollers (53) such that the relative diameter of one roller is different than the other would significantly impact the degree of rotation of the spindle (53). (*See, e.g.*, FIG. 2 of Applicant's drawings, which illustrates an exemplary degree of rotation for countershafts having ends of different diameter.) Among other limitations of the Kohn reference, increasing the angle of rotation of spindle (51) would cause the rollers (53) to contact platform 46 and thereby substantially limit the degree to which the transmission may change the speed of the propeller shaft. For at least these reasons, the Examiner has failed to set forth a prime facie case of obviousness under §103, and the rejection should be withdrawn.

C. Claim 14 was rejected under 35 U.S.C. 103(a) as being unpatentable over Stanley (U.S. Patent No. 875,962) as applied to claim 13 above, and further in view of either Tsukada et

al. (U.S. Patent No. 6,174,260) or Edlich (U.S. Patent No. 3,302,474). For at least the reasons noted above with respect to claim 1-4 and 13 as filed, Stanley fails to teach or suggest each of the limitations recited in the claim. Moreover, Tsukada and Edlich fail to make up for the deficiencies of Stanley in that neither Tsukada nor Edlich teach or suggest a pair of spaced apart countershafts that are axially translatable within a housing. For at least these reasons, the Examiner has failed to set forth a prime facie case of obviousness under §103, and the rejection should be withdrawn.

D. Claim 14 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kohn (U.S. Patent No 1,459,979) as applied to claim 13 above, and further in view of either Tsukada et al. (U.S. Patent No 6,174,260) or Edlich (U.S. Patent No 3,302,474). For at least the reasons stated above with respect to claim 1-9 and 13 as filed, Kohn fails to teach or suggest each of the limitations recited in the claim. Moreover, Tsukada and Edlich fail to make up for the deficiencies of Stanley in that neither Tsukada nor Edlich teach or suggest a continuously variable transmission that includes countershafts having different sized ends.

**CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 65856-0034 from which the undersigned is authorized to draw.

Respectfully submitted,

Dated: 10/7/03

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